

1600 9th Street, Sacramento, CA 95814

(916) 654-3551

June 23, 2000

DMH INFORMATION NOTICE NO.: 00-03

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS
SUBJECT: THERAPEUTIC BEHAVIORAL SERVICES

This letter provides clarification, additional direction, recommendations, and information to Mental Health Plans (MHPs) relevant to Therapeutic Behavioral Services (TBS) to assist MHPs with the significant challenges in TBS implementation. The issues addressed in this notice include the following: a) the availability of information about TBS and other specialty mental health services through the MHP's toll-free number; b) collateral services and plan development in the context of TBS; c) consideration of the full range of specialty mental health including TBS prior to out of home placement; d) DMH's plans for oversight and monitoring of TBS; e) an update on the status of the lawsuit *Emily Q. v. Bontá*; and f) training and technical assistance opportunities.

A. TBS and MHP Toll-Free Numbers

DMH is concerned that some MHP staff assigned to answer calls on toll-free lines do not have enough knowledge about TBS to respond to questions about TBS or refer the caller to someone who can answer questions. MHPs must ensure that beneficiaries have access to all medically necessary specialty mental health services, including TBS. A critical gateway to accessing these services is a MHP toll-free number. Notices were sent to the authorized representatives of many beneficiaries eligible for TBS advising them that TBS could be requested by calling the MHPs' toll-free lines. DMH informed MHPs in advance that these notices would be sent (see enclosed letter dated September 27, 1999). Please take whatever steps are necessary to ensure that individuals staffing your toll-free line(s) have sufficient information and understanding of TBS and other specialty mental health services to provide information and assistance to callers or to refer callers quickly to someone who can assist. Please let DMH or the Cathie Wright Technical Assistance Center (CWTAC) know if there is any way in which we may assist you in this task, e.g., by providing briefings on TBS and other specialty mental health services, assisting in the development of "scripts," and providing educational material.

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Beginning in July 2000, DMH will call MHP toll-free lines to confirm that MHP staff are able to answer questions about TBS or to refer questions to appropriate staff without undue effort on the part of the caller. If DMH identifies problems in this area, DMH will require the MHP to submit a plan of correction.

B. TBS Collateral and Plan Development

Two important components of delivering TBS include the following: 1) making collateral contacts with family members, caregivers, and others significant in the life of the beneficiary; and 2) developing a plan clearly identifying specific target behaviors to be addressed and the interventions that will be used to address the target behaviors. These activities should be claimed through the Short-Doyle/Medi-Cal system using service function 12-58 for hospital outpatient programs and service function 18-58 for other outpatient programs. They should be reported as service function 15-58 to the Client and Services Information System to enable DMH to capture the dollars and time associated with providing TBS accurately for the purposes of budget forecasting.

C. Consideration of TBS Prior to Out-of-Home Placement

An important goal of TBS implementation for DMH and MHPs is full integration of TBS into discussions on service delivery options for children and youth being placed out-of-home,

particularly in regards to placements in facilities with a rate classification level (RCL) of 12 or above. DMH is aware that MHPs do not control most out-of-home placement decisions and may not be involved in or informed of some placements until after the placement has occurred. DMH is also aware that there are many factors that must be considered when making placement recommendations and decisions.

Whenever the MHP is involved prior to placement in a facility at RCL 12 or above, however, DMH is requesting that MHPs assessment and service delivery policies, protocols and procedures ensure that the whole range of mental health services, including TBS, that might allow beneficiaries to remain in their current living situation are considered in time to prevent the out-of-home placement whenever possible and appropriate.

D. DMH Monitoring and Oversight of TBS

As mentioned in DMH letter 99-03 dated July 23, 1999, since TBS is a new service, DMH will closely monitor its implementation to improve budget forecasting and to identify areas where there is a lack of clarity in policy or where technical assistance may be needed. As a component of monitoring, the Annual Review Protocol for the Medi-Cal Specialty Mental Health Services program for 2000-2001 may include compliance items on TBS with respect to chart review and activities described in each MHP's TBS implementation plan in accordance with DMH Letter 99-03. DMH also

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plans to implement quality improvement activities related to TBS that will involve regular review of utilization patterns for MHPs and contact with MHPs regarding findings.

E. Status of Emily Q.v. Bontá

DMH is anticipating that a final decision will be issued in Emily Q.v. Bontá sometime within the next several months. MHPs will be notified as soon as possible of any changes made to current policy regarding the delivery of TBS as a result.

F. Training and Technical Assistance for MHPs

CWTAC continues to take the lead in providing training, technical assistance and information distribution on TBS to MHPs. CWTAC staff can be reached at

(916) 556-3480, extension 130. DMH staff is also available to assist MHPs on matters associated with this letter or TBS in general. Please call your Technical Assistance and Training Liaison listed below or Nancy Mengebier at (916) 654-3486 or (209) 7226618.

DMH Technical Assistance and Training Liaisons

Bay Area Region Ruth Walz (707) 252-3168

Central Region Kerry Cataline (916) 651-6090

Northern Region Jake Donovan (530) 224-4724

Southern Region Eddie Gabriel (916) 654-3263

ORIGINAL SIGNED BY

CAROL HOOD

Acting Deputy Director

Systems of Care

Enclosure

cc:

California Mental Health Planning Council
Chief, Technical Assistance and Training

1600 9th Street, Sacramento, CA 95814
(916) 653-6453
September 27, 1999

TO: LOCAL MENTAL HEALTH DIRECTORS

SUBJECT: THERAPEUTIC BEHAVIORAL SERVICES NOTICE

As you are aware, the preliminary injunction in the case of Emily Q. vs. Bonta~~ç~~ requires the state to notify members of this class action lawsuit of the availability of therapeutic behavioral services (TBS). Enclosed is a copy of the notice regarding TBS which will be mailed by the Department of Health Services (DHS) on or about October 1, 1999 to the authorized representatives of full scope Medi-Cal beneficiaries under 21 who are included in two of the three categories of class certified in the Emily Q. vs. Bonta~~ç~~ lawsuit. The two categories are:

- 1) Children/youth currently placed in rate classification (RCL) facilities 12 or above; and
- 2) Children/youth who have received psychiatric inpatient hospitalization services at least once in the past two years.

The notice provides basic information about the availability of and access to TBS. It was developed with input from key stakeholders including DHS, Protection and Advocacy (PAI), the Deputy Attorney General, the Client and Family Member Task Force, and representatives from the California Mental Health Directors Association. Please note that the name of and the toll-free statewide access number for the Mental Health Plan (MHP) in each county is listed on the back of the notice. Additionally, numbers for the DMH Ombudsman Unit and PAI are included.

Notification of members of the third category of the class - children/youth being considered for placement in RCL 12 or above - will be handled by sending a letter around October 1, 1999 to social services and probation departments in each county, as the public agencies primarily responsible for the placement of children/youth, informing them of the service. A copy of that letter will be provided to MHPs shortly.

Local Mental Health Directors

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If you have any questions regarding this letter, please contact Nancy Mengebier at

(916) 654-3486, or (209) 722-6618.

Sincerely,

Original Signed By

CAROL HOOD

Assistant Deputy Director

Systems of Care

Enclosure

THERAPEUTIC BEHAVIORAL SERVICES

This notice is only for people under 21 years of age that receive Medi-Cal and may need mental health services. This notice is for information only. No response is required.

As a result of a lawsuit called *Emily Q v. Bontá*, a new Medi-Cal Early and Periodic Screening, Diagnosis and Treatment (EPSDT) mental health service called therapeutic behavioral services is now available.

A trained staff person is available to help a child or youth who has a serious emotional disturbance reduce problem behaviors so that they may be able to move to a lower level of care or avoid moving to a higher level of care. Therapeutic behavioral service may be provided at home, school or other places like after school programs and organized recreation programs. The service may be needed when other mental health services are not effective or are not expected to be effective.

To be considered for this new service, a child or youth must be under age 21 and eligible for Medi-Cal and meet at least one of the following conditions:

- 1) Is living in a foster care home with a Rate Classification Level of 12 or above and/or a locked treatment facility for the treatment of mental health needs, or
- 2) Is being considered for placement in these facilities, or
- 3) Has had at least one emergency psychiatric hospitalization related to their current emotional disturbance within the preceding 24 months.

Your local Mental Health Plan (MHP) determines who needs this service and develops a treatment plan for the service. You may ask your local MHP to consider a child or youth for this service. You can find the phone number of the MHP in your county on the back of this notice.

If you think you or someone you are responsible for needs this service and your local MHP does not agree, you may contact the county's patient's rights advocate, the MHP's grievance coordinator, or the State Ombudsman Office. You have a right to submit a grievance to the MHP. You also have the right to request a Fair Hearing from the State within 90 days. You may submit a grievance and ask for a fair hearing at the same time. Protection and Advocacy, Inc. (PAI) is also available to assist with complaints, appeals and grievances. The phone numbers for the Ombudsman Office and for PAI are also on the back of this notice

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MEDI-CAL MENTAL HEALTH PLANS (MHPs) BY COUNTY—Toll-Free Numbers

Note: For Yuba County: See Sutter -Yuba Bi-County . For Sierra County: See Placer County

Alameda County

1-800-491-9099

Kern County

1-800-991-5272

Nevada County

1-888-801-1437

Santa Clara County

1-800-704-0900

Alpine County

1-800-486-2163

Kings County

1-800-655-2553

Orange County

1-800-723-8641

Santa Cruz County

1-800-952-2335

Amador County

1-888-310-6555

Lake County

1-800-900-2075

Placer County Also serves Sierra County

1-800-895-7479

Shasta County

1-888-385-5201

Butte County

1-800-334-6622

Lassen County

1-888-289-5004

Plumas County

1-800-757-7898

Siskiyou County

1-800-842-8979

Calaveras County

1-800-499-3030

Los Angeles County

1-800-854-7771

Riverside County

1-800-706-7500

Solano County

1-800-547-0495

Colusa County
Business hours 1-888-793-6580
After hours 1-800-700-3577
Madera County
1-888-275-9779
Sacramento County
1-888-881-4881
Sonoma County
1-800-870-8786
Contra Costa County
1-888-678-7277
Marin County
1-888-818-1115
San Benito County
1-888-636-4020
Stanislaus County
1-888-376-6246
Del Norte County
1-888-446-4408
Mariposa County.
1-800-549-6741
San Bernardino County
1-888-743-1478
Sutter-Yuba Bi-County
1-888-923-3800
El Dorado County
1-800-929-1955
Mendocino County
1-800-555-5906
San Diego County
1-800-479-3339
Tehama County
1-800-240-3208
Fresno County
1-800-654-3937
Merced County
1-888-334-0163
San Francisco County
1-888-246-3333
Trinity County
1-888-624-5820
Glenn County
Business hours 1-800-500-6582
After hours 1-888-624-5820
Modoc County
1-800-700-3577

San Joaquin County
1-888-468-9370
Tulare County
1-800-320-1616
Humboldt County
1-888-849-5728
Mono County
Business hours 1-800-687-1101
After hours 1-800-700-3577
San Luis Obispo County
1-800-838-1381
Tuolumne County
1-800-630-1130
Imperial County
1-800-817-5292
Monterey County
1-888-258-6029
San Mateo County
1-800- 686-0101
Ventura County
1-800-671-0887
Inyo County
1-800-841-5011
Napa County
1-800-648-8650
Santa Barbara County
1-888-868-1649
Yolo County
1-888-965-6647

If you are not certain whom to call State MHP Ombudsman Office at 1-800-896-4042.
For help with an appeal you can also call PAI at 1-888-313-4555.